

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

12800 CENTER COURT DRIVE, SUITE 300

CERRITOS, CALIFORNIA 90703-9364

TELEPHONE: (562) 653-3200 • (714) 826-5480

FACSIMILE: (562) 653-3333

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A Professional Corporation

Warren S. Kinsler State Bar No. 103265, wkinsler@aalrr.com

Irma Rodriguez Moisa State Bar No. 162272, imoisa@aalrr.com

Sharon J. Ormond State Bar No. 195812, sormond@aalrr.com

12800 Center Court Drive, Suite 300

Cerritos, California 90703-9364

Telephone: (562) 653-3200 • (714) 826-5480

Facsimile: (562) 653-3333

Attorneys for Defendants BRUCE BARON, EARIC PETERS,  
and MYRA SIEGEL

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

SHARA GUENGERICH, KORTNEY  
BLYTHE, ASHLEY COLANTUONO,  
HENRY SHAVER, and TARA  
SHAVER,

Plaintiffs,

vs.

BRUCE BARON, in his individual and  
official capacity, EARIC PETERS, in  
his individual and official capacity,  
MYRA SIEGEL, in her individual and  
official capacity, RICHARD PFIEFFER,  
in his individual and official capacity,

Defendants.

CASE NO.: 2:10-CV-01045-JHN(PLAx)  
**DEFENDANTS BRUCE BARON AND  
EARIC PETERS' OBJECTIONS TO  
EVIDENCE SUBMITTED IN  
OPPOSITION TO PLAINTIFFS'  
MOTION FOR SUMMARY  
JUDGMENT**

Assigned: Hon. Jacqueline H. Nguyen  
Date: March 14, 2011  
Time: 2:00 p.m.  
CtRm: 790 (Roybal Federal Bldg.)

[Filed Concurrently with Opposition to  
Plaintiffs' Motion for Summary Judgment  
and Statement of Genuine Issues in  
Opposition to Plaintiffs' Motion for  
Summary Judgment]

Complaint Filed: January 7, 2010  
Trial date: May 17, 2011

Defendants Bruce Baron and Earic Peters hereby object to the following  
evidence submitted by Plaintiffs in opposition to Plaintiffs' Motion for Summary  
Judgment in this action:

///

1 **1. Declaration of Kortney Blythe**

- 2 a. Paragraph 4, “The quad is approximately 200 feet wide by 700 feet  
 3 long”

4 Objection: Lack of foundation, vague and ambiguous,  
 5 conclusory, calls for speculation, irrelevant.

- 6 b. Paragraph 5, “Students use the quad to congregate, learn, and just hang  
 7 out.”

8 Objection: Lack of foundation, vague and ambiguous as to the  
 9 meaning of “congregate,” conclusory, calls for speculation,  
 10 irrelevant.

- 11 c. Paragraph 6, “The main quad area, just east of the campus  
 12 administration building, is one of the main areas where students gather  
 13 between classes.”

14 Objection: Lack of foundation, vague and ambiguous as to the  
 15 meanings of “main areas” and “gather,” conclusory, calls for  
 16 speculation, irrelevant.

- 17 d. Paragraph 7, “The middle path has fixtures such as a large sign board  
 18 with a campus map, recycling bins, and a bicycle rack.”

19 Objection: Lack of foundation (particularly as to how the area  
 20 appeared in December 2008), vague and ambiguous as to the  
 21 meanings of “large pillars,” “large sign board” and “gather,”  
 22 conclusory, irrelevant.

- 23 e. Paragraph 8, “Entrances to both Clausen and Franklin Hall open onto  
 24 the walkway between buildings.”

25 Objection: Lack of foundation (particularly as to how the area  
 26 existed in December 2008), vague and ambiguous, irrelevant.

- 27 f. Paragraph 9, “The breezeway is not an area where students  
 28 congregate.”

Objection: Lack of foundation, vague and ambiguous as to the meaning of “congregate,” conclusory, calls for speculation, irrelevant.

- g. Paragraph 9, “The breezeway area is only one of several entrances through which some fraction of LACC students pass to gain access to the campus. There are several other entrances to the LACC campus. There is at least one other entrance off of Vermont Avenue and another on the opposite side of the campus off of Heliotrope Drive.”

Objection: Lack of foundation, vague and ambiguous, conclusory, calls for speculation, irrelevant.

- h. Paragraph 10, “Additionally, there are several points of entry off of Monroe Street many of which lead into the quad.”

Objection: Lack of foundation, vague and ambiguous, conclusory, irrelevant.

- i. Paragraph 11, “I moved to that area and was there for about ninety minutes. While there, I observed that, for a brief period of time, the area had a number of students passing through it, but the free speech area was not a place where students congregated between classes. Students simply passed by the free speech area on their way to class. Once the class period began, we observed almost no students in or near the free speech area.”

Objection: Lack of foundation (one ninety-minute stay in the area provides insufficient foundation to establish pattern), vague and ambiguous, conclusory, argumentative, irrelevant.

- j. Paragraph 15, “. . . but they also took up a significant segment of the area around the flagpole. The construction fences restricted student passage into the quad from the Vermont Street entrance to an approximately 20-foot-wide walkway south of the flagpole hemmed in

by fences on one side and Clausen Hall on the other.”

Objection: Lack of foundation, vague and ambiguous, conclusory, argumentative, irrelevant.

- k. Paragraph 16, “. . . I repeatedly asked the persons telling us to move why we could not stay in the quad and why we could only stand in the single free speech area. They never gave us a reason, not did they appear even to try to give a reason.”

Objection: Hearsay, lack of foundation, vague and ambiguous, argumentative, irrelevant.

- l. Paragraph 17, “Our conduct was routinely peaceful and orderly.”

Objection: Argumentative, conclusory, calls for a legal conclusion, vague and ambiguous.

2. **Declaration of Ashley Colantuono**

- a. Paragraph 5, “The quad is approximately 200 feet wide by 700 feet long”

Objection: Lack of foundation, vague and ambiguous, conclusory, calls for speculation, irrelevant.

- b. Paragraph 6, “Students use the quad to congregate, learn, and just hang out.”

Objection: Lack of foundation, vague and ambiguous as to the meaning of “congregate,” conclusory, calls for speculation, irrelevant.

- c. Paragraph 7, “The main quad area, just east of the campus administration building, is one of the main areas where students gather between classes.”

Objection: Lack of foundation, vague and ambiguous as to the meanings of “main areas” and “gather,” conclusory, calls for speculation, irrelevant.

d. Paragraph 8, "Our conduct was routinely peaceful and orderly."

Objection: Argumentative, conclusory, calls for a legal conclusion, vague and ambiguous.

e. Paragraph 9, "The first security officer who contacted us acknowledged that we were not causing any disturbance."

Objection: Hearsay, lack of foundation, vague and ambiguous.

f. Paragraph 10, "Shara Guengerich and I still engage in activities with the Survivors. We wish to return to LACC to engage in communicative activity in the quad but are afraid that if they do so, we will be arrested by defendants Peters and Pfeiffer."

Objection: Lack of foundation and personal knowledge as to Shara Guengerich.

### 3. Declaration of Henry Shaver

a. Paragraph 4, "The quad is approximately 200 feet wide by 700 feet long"

Objection: Lack of foundation, vague and ambiguous, conclusory, calls for speculation, irrelevant.

b. Paragraph 5, "Students use the quad to congregate, learn, and just hang out."

Objection: Lack of foundation, vague and ambiguous as to the meaning of "congregate," conclusory, calls for speculation, irrelevant.

c. Paragraph 6, "The main quad area, just east of the campus administration building, is one of the main areas where students gather between classes."

Objection: Lack of foundation, vague and ambiguous as to the meanings of "main areas" and "gather," conclusory, calls for speculation, irrelevant.

d. Paragraph 7, “The middle path has fixtures such as a large sign board with a campus map, recycling bins, and a bicycle rack.”

Objection: Lack of foundation (particularly as to how the area appeared in December 2008), vague and ambiguous as to the meanings of “large pillars,” “large sign board” and “gather,” conclusory, irrelevant.

e. Paragraph 8, “Entrances to both Clausen and Franklin Hall open onto the walkway between buildings.”

Objection: Lack of foundation (particularly as to how the area existed in December 2008), vague and ambiguous, irrelevant.

f. Paragraph 9, “The breezeway is not an area where students congregate.”

Objection: Lack of foundation, vague and ambiguous as to the meaning of “congregate,” conclusory, calls for speculation, irrelevant.

g. Paragraph 9, “The breezeway area is only one of several entrances through which some fraction of LACC students pass to gain access to the campus. There are several other entrances to the LACC campus. There is at least one other entrance off of Vermont Avenue and another on the opposite side of the campus off of Heliotrope Drive.”

Objection: Lack of foundation, vague and ambiguous, conclusory, calls for speculation, irrelevant.

h. Paragraph 10, “Additionally, there are several points of entry off of Monroe Street many of which lead into the quad.”

Objection: Lack of foundation, vague and ambiguous, conclusory, irrelevant.

i. Paragraph 11, “I moved to that area and was there for about twenty-five minutes. While there, I observed that, for a brief period of time,

the area had a number of students passing through it, but the free speech area was not a place where students congregated between classes. Students simply passed by the free speech area on their way to class. Once the class period began, we observed almost no students in or near the free speech area.”

Objection: Lack of foundation (one ninety-minute stay in the area provides insufficient foundation to establish pattern), vague and ambiguous, conclusory, argumentative, irrelevant.

- j. Paragraph 12, “After remaining in the free speech area for about twenty-five minutes, I went to the quad to hand out literature. I observed significantly more students gathered in the quad and passing through the walkways in the quad compared to the number of students he had seen in the free speech area.”

Objection: Lack of foundation (one brief visit to campus provides insufficient foundation to establish pattern), vague and ambiguous, conclusory, argumentative, irrelevant.

- k. Paragraph 16, “. . . but they also took up a significant segment of the area around the flagpole. The construction fences restricted student passage into the quad from the Vermont Street entrance to an approximately 20-foot-wide walkway south of the flagpole hemmed in by fences on one side and Clausen Hall on the other.”

Objection: Lack of foundation, vague and ambiguous, conclusory, argumentative, irrelevant.

- l. Paragraph 17, “. . . I repeatedly asked the persons telling us to move why we could not stay in the quad and why we could only stand in the single free speech area. They never gave us a reason, not did they appear even to try to give a reason.”

Objection: Hearsay, lack of foundation, vague and ambiguous,

argumentative, irrelevant.

m. Paragraph 18, "Our conduct was routinely peaceful and orderly."

Objection: Argumentative, conclusory, calls for a legal conclusion, vague and ambiguous.

n. Paragraph 19, "The first security officer who contacted us acknowledged that we were not causing any disturbance."

Objection: Hearsay, lack of foundation, vague and ambiguous.

**4. Declaration of Allison Aranda, Exhibit A, Deposition Testimony of Richard Pfeiffer, pp. 16:18 - 17:3.**

Objection: Vague and ambiguous as to "congregating area."

Defendants Bruce Baron and Earic Peters will respectfully request the court at the hearing on the motion to sustain the above objections and to strike the evidence referred to above.

DATED: February 18, 2011

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

By: /s/ Sharon J. Ormond

Warren S. Kinser  
Irma Rodriguez Moisa  
Sharon J. Ormond  
Attorneys for Defendants BRUCE BARON,  
EARIC PETERS, and MYRA SIEGEL



1 **CERTIFICATE OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18  
3 and not a party to the within action. My business address is 12800 Center Court Drive, Suite  
300, Cerritos, CA 90703.

4 On February 18, 2011, I hereby certify that I electronically filed the foregoing  
5 **DEFENDANTS BRUCE BARON AND EARIC PETERS' OBJECTIONS TO EVIDENCE**  
6 **SUBMITTED IN OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY**  
7 **JUDGMENT** with the clerk of the Court for the United States District Court by using the  
8 appellate CM/ECF system.

9 ☒ I certify that all participants in the case are registered CM/ECF users and that service will  
10 be accomplished by the appellate CM-ECF system.

11 ☐ **NOT ALL PARTICIPANTS ARE CM/ECF PARTICIPANTS**

12 I further certify that some of the participants in the case are not registered CM/ECF users.  
13 I have mailed the foregoing document by ☒ First-Class Mail, postage prepaid, or ☐ have  
14 dispatched it to a third party commercial carrier for delivery within 3 calendar days, to the  
15 following non-CM-ECF participants:

16 Allison K. Aranda, Esq.  
17 Life Legal Defense Foundation  
18 P.O. Box 890685  
19 Temecula, CA 92589

Tel: (951) 541-9327  
Fax: (951) 541-2711

Attorneys for Plaintiffs

20 Catherine W. Short, Esq.  
21 Life Legal Defense Foundation  
22 P.O. Box 1313  
23 Ojai, CA 93024

Tel: (805) 640-1940

Attorneys for Plaintiffs

24 Andrea Sheridan Ordin, County Counsel  
25 Roger H. Granbo, County Counsel  
26 Jennifer A.D. Lehman, Principal Deputy  
27 County Counsel  
28 648 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Tel: (213) 974-1908  
Fax: (213) 626-2105

Attorneys for Defendant Richard Pfeiffer

29 I declare that I am employed in the office of a member of the bar of this court at whose  
30 direction the service was made.

Executed on February 18, 2011, at Cerritos, California.

31 /s/ Melissa Martinez  
32 Melissa Martinez

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